1952 **File No.** 0. Explosives/52

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Legal DEPARTMENT

A BRANCH

Subject:—

Opinions under the Indian Explosive Substances Act, 1908.

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Std. Scott Slip 24-B

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O R D E R

Home Department (Political),

Bombay Castle, November 1952.

No.S.D. .- WHEREAS on a search of the Coal Depot of Shri Vilas Baburao Pisal of Miraj, District (South) Satara, on 10th August 1951, six seers and five tolas of blasting powder and one and half seers of fuse were found in the said depot in possession of the said Vilas Baburao Pisal;

AND WHEREAS it appears to the Government of Bombay that at the said date and place the said Vilas Baburao Pisal knowingly had in his possession or under his control the said explosive substances under such circumstances as to give rise to a reasonable suspicion that he did not have them in his possession or under his control for a lawful object;

NOW, therefore, in exercise of the functions of the Central Government under section 7 of the Explosive Substances Act, 1908 (VI of 1908), entrusted to the Government of Bombay by the Government of India Notification No.51/12/36-Poll. dated the 29th March 1938, the Government of Bombay is hereby pleased to give its consent to the trial of the said Vilas Baburao Pisal for an offence punishable under section 5 of the said Act.

By order of the Governor of Bombay

Secretary to the Government of Bombay, Home Department.

BD/7.4

The recitals of the draft order of sanction submitted by H.D. for scrutiny cover an offence under section 4(b) of the Explosive Substances Act, 1908, but the charge sheet is only for an offence under section 5 of the Act and the facts of the case as disclosed in the papers also do not disclose an offence under section 4(b) of the Act. Therefore, a revised draft Order of sanction for an offence under section 5 of the Act is forwarded. Even as regards the prosecution for an offence under section 5 of the Act, it would appear from the panchnama of the search that the blasting powder was kept openly in a box in the coal depot and that it was meant for sale probably for blasting purposes. The prosecution will have therefore to make out a prima facie case that the circumstances gave rise to a reasonable suspicion that the possession of the accused was not for a lawful object.

Sd/-
Remembrancer of Legal Affairs.

U.R. to H.D.No.19863/A, dated the 27th November 1952.

The hand-grenade was found in the possession of Shri Tukaram Maruti Magdum. Beyond the fact that Shri Ranku Nana Magdum and Shri Rama Bhima Berad were in the company of Shri Tukaram Maruti Magdum at the time Shri Tukaram Maruti was searched there is nothing to show that Shri Ranku Nana and Shri Rama Bhima in any way aided Shri Tukaram Maruti or were in any way responsible for the hand-grenade being in possession of Shri Tukaram Maruti. Therefore, on the facts appearing in these papers no case is made out for an offence under section 6 of the Explosive Substances Act, 1908 against Shri Ranku Nana and Shri Rama Bhima.

2. The place at which Shri Tukaram Maruti was searched and the manner in which the hand-grenade was concealed read in the light of his conduct discloses offences both under sections 4(b) and 5 of the Explosive Substances Act, 1908.

3. A revised draft of sanction for the prosecution of Shri Tukaram Maruti for offences under sections 4(b) and (5) is accordingly forwarded.

Sd/-
Remembrancer of Legal Affairs.

U.R. to H.D., No.19631/A, dated the 24th November 1952.

Draft. No.

Home Department (Poll).

O R D E R

WHEREAS Shri Tukaram Maruti Nagdum was found carrying concealed on his person one hand-grenade when he was searched near the Kapshi Motor Stand on 18-7-1951;

AND WHEREAS it appears to the Government of Bombay that the said Tukaram Maruti Nagdum had unlawfully and maliciously in his possession at the said time and place the said hand-grenade with intent by means thereof to endanger life, or cause serious injury to property in the State of Bombay;

AND WHEREAS the said Tukaram Maruti Nagdum had in his possession at the said time and place the said hand-grenade under such circumstances as to give rise to a reasonable suspicion that he did not have it in his possession for a lawful object;

NOW, THEREFORE, in exercise of the functions of the Central Government under section 7 of the Explosive Substances Act, 1908 (VI of 1908), entrusted to the Government of Bombay by the Government of India, H.D. Notification No.51/12/36-Political, dated 29-3-38, the Government of Bombay is hereby pleased to give its consent to the trial of the said Tukaram Maruti Nagdum for offences under sections 4(b) and 5 of the Explosive Substances Act, 1909.

By order of the Governor of Bombay,

Secretary to Government.

Dated at
Bombay Castle this.....day of November 1952.

ET.P 11-4-52

11/4/52